

**IN THE DRAWINGS:**

Enclosed herein is a Replacement Sheet of originally filed drawing Figures 1-3b, which have been amended and replace the originally filed drawing Figures 1-3b.

## **REMARKS**

Claims 1 and 3-15 are pending in this application. By this Amendment, Claim 2 is cancelled without prejudice or disclaimer and Claims 1 and 3-15 are amended. No new matter is presented herein.

### **Drawings**

The Office Action objects to the drawings for the following reasons: 1) reference characters "(2) and (6)" and "(4) and (5)" have both been used to designate the same feature; 2) boxes identified by reference characters (2), (6) and (1) must be descriptively labeled; and 3) the signals (A, B, and C), multipolar or top tour track, and the air gap distance must be shown in the drawings or the features canceled from the claims in which they are recited. To address the objections, for item 1) Applicants have revised Figures 1, 2, 3a and 3b to separate the features into separate elements as presented in enclosed Replacement Sheet of formal drawing Figures 1-3b; 2) Applicants have labeled the boxes provided in Figures 1, 2, 3a, and 3b as presented in the enclosed Replacement Sheets of formal drawing Figures 1-3b; and 3) Applicants have revised Figures 1, 2, 3a and 3b to include the signals (A, B, and C), main and top tracks (M) and (T), respectively, and the air gap distance (AG) as presented in the enclosed Replacement Sheets of formal drawing Figures 1-3b. Withdrawal of the objections is respectfully requested.

### **Abstract/Specification**

The Office Action objects to the originally filed Abstract for informalities contained therein. Applicants enclose herein a Substitute Abstract that is responsive to the objection and is to be substituted for the originally filed Abstract. Applicants respectfully request withdrawal of the objection.

The Office Action objects to the originally filed Specification for informalities contained therein. Applicants enclose herein a Substitute Specification that is responsive to the objection and is to be substituted for the originally filed Specification. A marked-up copy of the originally filed Specification is enclosed herein to evidence that the Substitute Specification is not presenting any new matter. Applicants respectfully request withdrawal of the objection.

### **Claims**

Claims 12-13 are objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants have amended the claims responsive to the objection. As such, Applicants respectfully request withdrawal of the objection.

Claim 14 is objected to under 37 C.F.R. §1.75(c), as being of improper dependent form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. Applicants have amended the claim responsive to the objection. As such, Applicants respectfully request withdrawal of the objection.

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action asserts that it is not clear how box #2 and #6 can be a computer and a comparison device and how box #4 and #5 can be a sensor and a processor. The Office Action also asserts the terms "top tour" and magnetic singularity in the specification are not clear. Applicants respectfully traverse the rejection.

With respect to the box #2 and #6 and the box #4 and #5, as illustrated in the Replacement Sheet of formal drawing Figures 1-3b enclosed herein, the box in Figures 1, 2, 3a, and 3b has been separated into two boxes.

With respect to the term "top tour" track, Applicants respectfully submit the term is used to indicate that the track emits a pulse signal (top) per tour.

With respect to the term "magnetic singularity," Applicants respectfully submit that as explained in FR 2 769 088, EP 0 871 014 and in Claim 4, the term means a magnetic transition that is different from another in order to emit such a pulse under movement of an encoder at the air gap distance of the sensor. Applicants respectfully submit that one of ordinary skill in the art would recognize the terms in question have the meanings provided above.

Applicants respectfully request withdrawal of the rejection.

Claim 15 is rejected under 35 U.S.C. §101 because the claim recites a use without setting forth any steps involved in the process. Applicants have amended the claim responsive to the rejection and respectfully request the rejection be withdrawn.

Claims 1-13 are rejected under 35 U.S.C. §102, as being anticipated by any one of U.S. Patent Numbers 4,264,850 to Cannon et al. ("Cannon"); 5,532,583 to Davis et al. ("Davis"); and/or 4,312,033 to Sweeney et al. ("Sweeney"). Applicants respectfully traverse the rejections.

Claim 1 recites an actuating system for actuating a member, the actuating system including a computer; an electric motor controlled by the computer, wherein the computer is configured to regulate a current supplied to the motor as a function of a setpoint position of the member to be actuated; a transmission device for transmitting a movement of the motor to the member, wherein the transmission device comprises an encoder that is dependent on the movement of the motor, the encoder including a main multipolar track and a singularity that is indexed to a reference position of the encoder; a fixed sensor including at least two sensitive elements arranged to face the main track across an air-gap defined between the fixed sensor and the main track and at least one sensitive element designed to detect the singularity, the fixed sensor being designed to deliver two square digital position signals in quadrature, wherein the signals are representative of a position of the encoder; a processing device for processing the signals, the device including counting means for determining, from an initial position, an actual position of the encoder, and means which, upon detection of the singularity, assigns the reference position as the initial position; and a comparison device for comparing the actual position of the encoder with a theoretical position of the encoder that corresponds to the applied setpoint position.

Applicants respectfully submit Cannon, Davis and Sweeney, alone or in combination, fail to disclose or suggest each and every feature recited by Claim 1.

The Office Action asserts Cannon, Davis and Sweeney each disclose an actuating system that includes a motor controlled by a computer to regulate a current with an encoder that is dependent on the movement of the motor.

However, Applicants respectfully submit Cannon, Davis and Sweeney, alone or in combination, fail to teach an encoder having a singularity that is indexed to a reference position of the encoder and a sensor that has at least one sensitive element designed to detect the singularity in order to assign the reference position as the initial position upon detection of the singularity. Such a feature is recited in Claim 1.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Cannon, Davis and Sweeney, alone or on combination with each other, fail to disclose or suggest each and every feature of Claim 1. In view of the above, Applicants respectfully submit Claim 1 is not anticipated by, nor rendered obvious in view of Cannon, Davis and/or Sweeney. Therefore, Applicants respectfully submit Claim 1 should be deemed allowable.

Claims 3-15 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable at least for the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

As such, Applicants respectfully request withdrawal of the rejections.


### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objections and rejections, allowance of Claims 1 and 3-15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300, **referencing Attorney Docket Number 021305-00199.**

Respectfully submitted,  
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Enclosures: Substitute Specification  
Marked-Up Copy of Specification  
Replacement Figs. 1-3b  
Petition for Extension of Time